

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 06-09 (RHK/RLE)

Plaintiff,

ORDER

vs.

Richard Charles Person,

Defendant.

Before the Court is Defendant's Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582 (c). Defendant's original sentence was a term of 108 months, the low end of the 108-135 month advisory Guidelines range; because the Defendant had provided "substantial assistance" to the Government, the otherwise applicable 120-month mandatory minimum sentence was not applicable. Because Section 5G1.1 of the Guidelines restricted the Guideline range to 120 months both before and after the application of Amendments 706 and 711, this Court lacks authority to grant Defendant's motion for a reduction.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED** that Defendant's Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582 (c) (Doc. No. 97) is **DENIED**.

Dated: April 16, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge